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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Takako YAMAGUCHI et al.) : Examiner: J. S. Ruggles
Application No.: 10/779,786) : Group Art Unit: 1756
Filed: February 18, 2004) : Confirmation No.: 9842
For: PHOTOMASK FOR NEAR-FIELD EXPOSURE,) June 30, 2006
NEAR-FIELD EXPOSURE METHOD, AND :
NEAR-FIELD EXPOSURE APPARATUS)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office
Action dated May 30, 2006.

The Office Action sets forth a restriction requirement between two groups of
claims: Group I, claims 1-18 and 20, is drawn to a photomask for near-field exposure
(claims 1-18, classified in class 430, subclass 50) and a near-field contact exposure
apparatus including a photomask (claim 20, classified in class 355, subclass 78); and
Group II, claim 19, is drawn to a method for near-field exposure, and is classified in class
430, subclass 311.

The Examiner asserts that the inventions of Groups II and I are related as process and apparatus for its practice and have acquired a separate status in the art because of different classification and divergent subject matter. These contentions are respectfully traversed.

Applicants submit that the inventions of Groups I and II are closely related in the field of near-field exposure, and that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of another application, consisting of the same disclosure, and being subjected to substantially the same search, perhaps by a different Examiner on a different occasion. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elects, with traverse, to prosecute the invention of Group I, namely claims 1-18 and 20.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", written over a horizontal line.

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